



POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO  
HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ADDRESS ALL COMMUNICATIONS:  
**FRANK M. JORDAN**  
CHIEF OF POLICE

March 13, 1989

IN REPLY, PLEASE REFER TO  
OUR FILE: CSD/JA1635

The San Francisco Police Department intends to make Department Special Order 89-05 "Prejudice-based Incidents/Ralph Civil Rights Act Implementation" a permanent part of our Department policy by adopting it as a General Order.

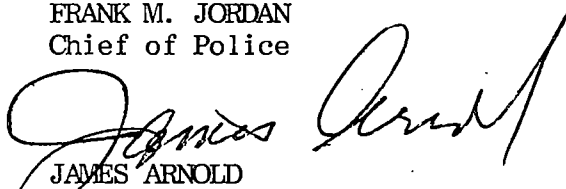
Prior to doing this, I would like to invite you or your representative to meet with us to discuss any possible changes or additions to this order.

A meeting has been scheduled for Tuesday, April 4, 1989 at 2:00 P.M. in Room 505 of the Hall of Justice, 850 Bryant Street.

Please call Captain James Arnold at 553-1345 by March 24th to confirm your attendance.

Sincerely,

FRANK M. JORDAN  
Chief of Police

  
JAMES ARNOLD  
Captain of Police  
Community Services Division

JA:fs

cc: Marian Johnston  
Manny Medeiros

SAN FRANCISCO POLICE DEPARTMENT

DEPARTMENT SPECIAL ORDER  
89-05

03/08/89  
W/06180

Subject: Prejudice-based Incidents  
Ralph Civil Rights Act Implementation

Termination Date: 03/08/90

This order sets forth policies and procedures for recognizing, responding to, and uniformly reporting criminal and non-criminal incidents motivated by hatred or prejudice which are directed against identifiable individuals or groups, and for supporting community efforts to prevent the occurrence of these incidents.

I. POLICY

By enacting the Ralph Civil Rights Act, which added Section 51.7 to the Civil Code, the legislature sought to discourage criminal and non-criminal incidents motivated by hatred or prejudice by creating a civil penalty for such conduct:

"All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their person or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. The identification in this subdivision of particular types of discrimination is illustrative rather than restrictive."

A. It is the policy of the San Francisco Police Department:

1. To ensure that rights guaranteed by the constitutions and laws of the State of California and the United States are protected for all citizens regardless of any personal

03/08/89

characteristic including, but not limited to, race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.

2. To take a proactive role to protect all citizens against prejudiced-based conduct by promoting peace and harmony among the diverse groups living and working within the City and County of San Francisco.
3. To investigate prejudiced-based criminal incidents and support vigorous prosecution of those who are apprehended for such criminal acts.

## II. DEFINITIONS

- A. Violation of most state laws and municipal code sections carry only a criminal penalty, that is, imprisonment and/or a fine. The Ralph Civil Rights Act adds to any criminal penalty which may be incurred by certain acts, a civil penalty for acts of violence, or intimidation by threat of violence, which are motivated by feelings of hatred or prejudice against an individual or group based on characteristics personal to that individual or group.
- B. The eleven groups listed in the Act are only examples of the classes of victims which are provided a civil remedy when their person or property is the subject of violence or intimidation by threat of violence, where the motive is hatred or prejudice.
- C. In this order, the term "prejudice-based incident" or "prejudice-based conduct" means:

"Any violence, or intimidation by threat of violence, against the person or property of another, where the motive of the perpetrator is hatred of one or more of the personal characteristics of the victim(s), including, but not limited to: race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute."

- D. "Prejudice-based incidents" include acts directed at the person or property of any listed or similar individual or group, acts of which include but are not limited to:

Criminal acts such as threatening phone calls, physical assaults, destruction of property, bomb threats, and disturbing religious meetings, as well as, non-criminal acts, such as name calling or news articles, done with the apparent motive to harass, intimidate, threaten, retaliate, or create conflict between groups having different personal characteristics such as race, religion, ethnicity or sexual orientation, .

- E. The motivation behind the act determines whether an incident is prejudice-based. The following criteria, applied singly and in combination, should be used to determine if an incident was motivated all or in part by hatred of, or animosity to, the personal characteristics of the victim(s):

1. Were words, symbols, or acts which are or may be offensive to an identifiable group used by the perpetrator, or are they present as evidence? For example, is a burning cross, a painted swastika, or words directed at a particular ethnic or minority group?
2. Is there a prior history of similar crimes in the same area against the same victim group?
3. Does a meaningful portion of the community perceive and respond to the incident as a prejudice-based one?
4. Were there any statements/actions of the victim, suspect or other involved parties?

### III. RESPONSIBILITIES

#### A. Patrol Officer

1. When the responding officer arrives at the scene and determines that the incident may be prejudice-based, the officer shall:
  - a. Render necessary assistance, as needed, to the victim(s)
  - b. Identify and arrest the perpetrator(s) if possible.

- c. Protect and preserve the crime scene.
- d. Request a patrol supervisor.
- e. Conduct a preliminary investigation.
- f. Prepare an incident report, including the statements/actions of the victims, suspects, and other involved parties.
  - 1) Include in the narrative part of the report a statement that the "incident may be prejudice-based," and the facts which support this statement.
  - 2) When known, identify in the narrative the relevant personal characteristics, such as race, ethnicity, sex, religious affiliation, or sexual orientation of the victim and the suspect.

B. Patrol Supervisor

- 1. Upon arriving at the scene of a possible prejudice-based incident:
  - a. Interview the responding officer.
  - b. Ascertain the nature of the prejudice or hatred motivating the occurrence.
  - c. Take steps to insure that the incident does not escalate.
  - d. Supervise the preliminary investigation.
- 2. Notify the Platoon Commander.
- 3. Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

C. Platoon Commander

- 1. After being notified:
  - a. If the incident is determined to be serious, or has the potential for escalation or retaliation, immediately respond to the scene.

- b. Notify the station commander or, if the station commander is not available, Operations Center, when there is a potential for escalation or retaliation.

2. Review all incident reports.
3. For criminal incidents, conduct surveillances and other appropriate patrol activities to identify suspects and to ensure that the public peace is maintained.

D. Investigations Bureau

1. Receive copies of all prejudice-based criminal complaints.
2. Coordinate the investigation with other law enforcement agencies where appropriate.
3. Prepare felony cases for prosecution in court and provide testimony.
4. Keep the victim(s) informed of the status of the case.
5. Make factual information available for the Public Affairs Office upon request.

E. Intelligence Division

1. Receive copies of all reports of prejudice-based incidents.
2. Assist in investigations when requested.
3. Maintain liaison with federal, state and adjoining agencies for the exchange of intelligence information about potential criminal incidents.
4. Notify the District Captain and the Chief of Police of patterns of anticipated movement of any group(s) involved, or likely to be involved, in prejudice-based criminal activity.

F. Community Services Division

1. Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence, and provide safety and protection information.


03/08/89

2. Assist victims and their families.
3. Conduct public meetings on prejudice-based threats and violence in general and as it relates to specific incidents.

G. Crime Information Division

1. Send copies of the incident report to appropriate divisions.
2. As required, forward data to the United States Department of Justice.

By order of:



FRANK M. JORDAN  
Chief of Police

TRAINING BULLETIN 88-09 7/29/88



# RALPH ACT





THE SAN FRANCISCO POLICE DEPARTMENT HAS TAKEN THE APPROACH THAT THE UNIQUE NATURE OF HATE CRIMES REQUIRES SPECIAL HANDLING. THERE IS AN OBLIGATION NOT ONLY TO RECOGNIZE THESE CRIMES AS CRIMINAL ACTS, BUT TO INVESTIGATE THEM WHILE REACTING IN A POSSITIVE MANNER TO THE EMOTIONAL TRAUMA EXPERIENCED BY THE VICTIMS, FAMILIES, AND CITIZENS OF THE COMMUNITY WHO HAVE WITNESSED OR SUFFERED SUCH INCIDENTS.

IT IS THE POLICY OF THE SAN FRANCISCO POLICE DEPARTMENT:

- 1) TO ENSURE THAT RIGHTS GUARANTEED BY THE CONSTITUTIONS AND LAWS OF THE STATE OF CALIFORNIA AND THE UNITED STATES ARE PROTECTED FOR ALL CITIZENS REGARDLESS OF ANY PERSONAL CHARACTERISTIC INCLUDING, BUT NOT LIMITED TO, RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, POLITICAL AFFILIATION, SEX, SEXUAL ORIENTATION, AGE OR DISABILITY.
- 2) TO TAKE A PROACTIVE ROLE TO PROTECT ALL CITIZENS AGAINST PREJUDICED-BASED CONDUCT BY PROMOTING PEACE AND HARMONY AMONG THE DIVERSE GROUPS LIVING AND WORKING WITHIN THE CITY AND COUNTY OF SAN FRANCISCO.
- 3) TO INVESTIGATE PREJUDICED-BASED CRIMINAL INCIDENTS AND SUPPORT VIGOROUS PROSECUTION OF THOSE WHO ARE APPREHENDED FOR SUCH CRIMINAL ACTS.

THE SAN FRANCISCO POLICE DEPARTMENT HAS BEEN COLLECTING HATE CRIME STATISTICS SINCE THE SPRING OF 1988.

CHIEF FRANK JORDAN HAS ISSUED A TRAINING BULLETIN WHICH DEFINES A PREJUDICED-BASE CRIME AND ESTABLISHES OR LISTS CRITERIA FOR REPORTING THESE INCIDENTS. IT LISTS APPROPRIATE PENAL AND CIVIL CODE VIOLATIONS AND PROVIDES REFERRALS TO VARIOUS ORGANIZATIONS FOR SUPPORT OR ADDITIONAL INFORMATION.

HE HAS ALSO ISSUED A DEPARTMENT GENERAL ORDER WHICH ESTABLISHES POLICIES AND PROCEDURES FOR RECOGNIZING AND RESPONDING TO INCIDENTS MOTIVATED BY HATRED OR PREJUDICE. IT SPECIFICALLY STATES THE RESPONSIBILITIES OF THE PATROL OFFICER RESPONDING TO THE SCENE OF A PREJUDICE-BASED INCIDENT, RESPONSIBILITIES OF THE SUPERVISORS, INVESTIGATIONS BUREAU, INTELLIGENCE DIVISION AND THE STATISTICAL ANALYSIS UNIT.

A TRAINING FILM ABOUT HATE CRIMES, PRODUCED AT OUR ACADEMY, HAS BEEN SHOWN AT ALL POLICE DISTRICT STATIONS DURING LINE-UP.

WE HAVE A TRAINING PROGRAM IN PLACE AT THE ACADEMY WHICH ALL OFFICERS ARE REQUIRED TO ATTEND GIVING THEM INFORMATION REGARDING THEIR RESPONSIBILITIES IN REPORTING AND INVESTIGATING HATE CRIMES. WE HAVE ALSO REVISED INCIDENT REPORTS TO INCLUDE A PREJUDICE-BASED BOX WHICH OFFICERS ARE REQUIRED TO CHECK IF AN INCIDENT IS MOTIVATED BY HATRED OR PREJUDICE.

ALTHOUGH OUR DEPARTMENT HAS TAKEN A PRO-ACTIVE ROLE IN THE REPORTING, INVESTIGATION AND COLLECTION OF HATE CRIME STATISTICS, THERE IS MORE THAT NEEDS TO BE DONE. THERE IS A NEED FOR MORE PUBLIC AWARENESS ABOUT THE RALPH ACT ~~AND~~ THE BANES CIVIL RIGHTS ACT. ADDITIONAL TRAINING IS REQUIRED FOR POLICE OFFICERS AND PROSECUTORS, MORE CULTURAL AWARENESS PROGRAMS IN THE COMMUNITY, SCHOOLS AND POLICE DEPARTMENT. THE IMPLEMENTATION OF A HATE CRIMES HOTLINE STAFFED BY AN AGENCY NOT AFFILIATED WITH THE POLICE WOULD FACILITATE THE COLLECTION OF STATISTICS SINCE SOME PERSONS ARE RELUCTANT, FOR A VARIETY OF REASONS, TO REPORT THESE INCIDENTS DIRECTLY TO THE POLICE. AND LASTLY, THE COLLECTION OF THIS DATA SHOULD BE DONE ON A STATEWIDE, REGIONAL, AND LOCAL LEVEL.

Index as: Prejudiced-based Incidents  
Ralph Civil Rights Act Implementation

---

## PREJUDICED-BASED INCIDENTS

This order sets forth policies and procedures for recognizing, responding to, and uniformly reporting criminal and non-criminal incidents motivated by hatred or prejudice which are directed against identifiable individuals or groups, and for supporting community efforts to prevent the occurrence of these incidents.

### I. POLICY

By enacting the Ralph Civil Rights Act, which added Section 51.7 to the Civil Code, the legislature sought to discourage criminal and non-criminal incidents motivated by hatred or prejudice by creating a civil penalty for such conduct:

"All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their person or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. The identification in this subdivision of particular types of discrimination is illustrative rather than restrictive."

#### A. It is the policy of the San Francisco Police Department:

1. To ensure that rights guaranteed by the constitutions and laws of the State of California and the United States are protected for all citizens regardless of any personal

characteristic including, but not limited to, race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.

2. To take a proactive role to protect all citizens against prejudiced-based conduct by promoting peace and harmony among the diverse groups living and working within the City and County of San Francisco.
3. To investigate prejudiced-based criminal incidents and support vigorous prosecution of those who are apprehended for such criminal acts.

## II. DEFINITIONS

- A. Violation of most state laws and municipal code sections carry only a criminal penalty, that is, imprisonment and/or a fine. The Ralph Civil Rights Act adds to any criminal penalty which may be incurred by certain acts, a civil penalty for acts of violence, or intimidation by threat of violence, which are motivated by feelings of hatred or prejudice against an individual or group based on characteristics personal to that individual or group:
- B. The eleven groups listed in the Act are only examples of the classes of victims which are provided a civil remedy when their person or property is the subject of violence or intimidation by threat of violence, where the motive is hatred or prejudice.
- C. In this order, the term "prejudice-based incident" or "prejudice-based conduct" means:

"Any violence, or intimidation by threat of violence, against the person or property of another, where the motive of the perpetrator is hatred of one or more of the personal characteristics of the victim(s), including, but not limited to: race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute."

- D. "Prejudice-based incidents" include acts directed at the person or property of any listed or similar individual or group, acts of which include but are not limited to:

Criminal acts such as threatening phone calls, physical assaults, destruction of property, bomb threats, and disturbing religious meetings, as well as, non-criminal acts, such as name calling or news articles, done with the apparent motive to harass, intimidate, threaten, retaliate, or create conflict between groups having different personal characteristics such as race, religion, ethnicity or sexual orientation, .

- E. The motivation behind the act determines whether an incident is prejudice-based. The following criteria, applied singly and in combination, should be used to determine if an incident was motivated all or in part by hatred of, or animosity to, the personal characteristics of the victim(s):

1. Were words, symbols, or acts which are or may be offensive to an identifiable group used by the perpetrator, or are they present as evidence? For example, is a burning cross, a painted swastika, or words directed at a particular ethnic or minority group?
2. Is there a prior history of similar crimes in the same area against the same victim group?
3. Does a meaningful portion of the community perceive and respond to the incident as a prejudice-based one?
4. Were there any statements/actions of the victim, suspect or other involved parties?

### III. RESPONSIBILITIES

#### A. Patrol Officer

1. When the responding officer arrives at the scene and determines that the incident may be prejudice-based, the officer shall:
  - a. Render necessary assistance, as needed, to the victim(s)
  - b. Identify and arrest the perpetrator(s) if possible.

- c. Protect and preserve the crime scene.
- d. Request a patrol supervisor.
- e. Conduct a preliminary investigation.
- f. Prepare an incident report, including the statements/actions of the victims, suspects, and other involved parties.
  - 1) Include in the narrative part of the report a statement that the "incident may be prejudice-based," and the facts which support this statement.
  - 2) When known, identify in the narrative the relevant personal characteristics, such as race, ethnicity, sex, religious affiliation, or sexual orientation of the victim and the suspect.

B. Patrol Supervisor

- 1. Upon arriving at the scene of a possible prejudice-based incident:
  - a. Interview the responding officer.
  - b. Ascertain the nature of the prejudice or hatred motivating the occurrence.
  - c. Take steps to insure that the incident does not escalate.
  - d. Supervise the preliminary investigation.
- 2. Notify the Platoon Commander.
- 3. Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

C. Platoon Commander

- 1. After being notified:
  - a. If the incident is determined to be serious, or has the potential for escalation or retaliation, immediately respond to the scene.

- b. Notify the station commander or, if the station commander is not available, Operations Center, when there is a potential for escalation or retaliation.
  - 2. Review all incident reports.
  - 3. For criminal incidents, conduct surveillances and other appropriate patrol activities to identify suspects and to ensure that the public peace is maintained.
- D. Investigations Bureau
  - 1. Receive copies of all prejudice-based criminal complaints.
  - 2. Coordinate the investigation with other law enforcement agencies where appropriate.
  - 3. Prepare felony cases for prosecution in court and provide testimony.
  - 4. Keep the victim(s) informed of the status of the case.
  - 5. Make factual information available for the Public Affairs Office upon request.
- E. Intelligence Division
  - 1. Receive copies of all reports of prejudice-based incidents.
  - 2. Assist in investigations when requested.
  - 3. Maintain liaison with federal, state and adjoining agencies for the exchange of intelligence information about potential criminal incidents.
  - 4. Notify the District Captain and the Chief of Police of patterns of anticipated movement of any group(s) involved, or likely to be involved, in prejudice-based criminal activity.
- F. Community Services Division
  - 1. Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence, and provide safety and protection information.

2. Assist victims and their families.
3. Conduct public meetings on prejudice-based threats and violence in general and as it relates to specific incidents.

G. Crime Information Division

1. Send copies of the incident report to appropriate divisions.
2. As required, forward data to the United States Department of Justice.

By order of:

  
FRANK M. JORDAN  
Chief of Police



# City of Concord

OFFICE OF CHIEF OF POLICE

CITY COUNCIL

Colleen Coll, Mayor  
June V. Bulman, Vice Mayor  
Diane Longshore  
Ronald K. Mullin  
Stephen L. Weir  
Michael T. Uberuaga, City Manager

October 27, 1989

Attorney General's Commission on  
Racial, Religious and Minority Violence  
Office of Attorney General  
Department of Justice  
P. O. Box 944255  
Sacramento, CA 94244-2550

Dear Commission Members:

I want to thank you for giving me the opportunity on October 6, 1989 to address the Commission regarding our hate violence procedure. I want to furnish you with additional information regarding our police procedures that I was not able to cover in my brief presentation. Additionally, I will respond in greater detail to questions you posed to me following my presentation.

I have included in this response to you the following documents which you may find helpful: Concord Police Department General Order #61 which outlines the manner in which "hate crimes" will be handled, a training bulletin which addresses hate crimes, a chart which graphically displays the investigative process, statistics pertaining to hate crimes for the City of Concord, and lastly, a copy of the protocol proposed for adoption within Contra Costa County.

In my address before the Commission I outlined my police department's procedure for investigating hate crimes or incidents. Because it is covered in our General Order, I will not go into the specifics of it again. An essential element of our policy, however, is the priority we place on incidents or acts that are motivated by a person's race, ethnicity, religion and/or sexual orientation, even though the event lacks the elements of a criminal offense. Examples of such an incident would be racial slurs or taunting directed at a minority member.

RECEIVED

OCT 31 1989

NELSON KEMPSON  
FAX 415-671-3375

October 27, 1989

Attorney General's Commission on Racial, Religious and Minority Violence

Page 2

We have taken the position that direct and immediate police intervention may very well prevent an incident from escalating into a criminal violation at a later time. We believe this is crime prevention at its best. Direct police involvement sends a strong message to would-be offenders that prejudicial acts will not be tolerated. At the same time the message our minority community receives is that the police department cares about them.

In assessing the cost of our commitment to hate crime/incident reduction, consideration should be given to related costs such as cultural awareness training for all officers, time commitment from the community relations sergeant who handles hate incident reports and the time commitment required for clerical record keeping and summary reports forwarded to the city's Human Relations Commission.

Cost for our ongoing cultural awareness training which minimally would be four hours per year for all 143 sworn officers would be approximately \$12,033.00. It is estimated that approximately one fourth of the community relations sergeant's time is spent on the investigation of hate incidents and networking with various minority members at an estimated yearly cost of \$17,333.00. When you include the cost for the other related factors, I would estimate the total yearly cost would be in the neighborhood of \$33,000.00. Again, these cost figures do not take into account the expense required for the investigation of hate crimes as the investigation of a criminal act is an expense included in basic police services. Even if we didn't have a special procedure in place, all criminal law violations would be investigated.

I will now address specific questions you asked me at the Commission hearing.

Question: What procedures are used when juveniles are suspects?  
Are any special programs in place for kids?

Hate-motivated crimes/incidents involving juvenile suspects are handled as priority cases with the same vigor as cases with adult suspects. A uniformed patrol officer handles the initial investigation including the interview or arrest of any juvenile suspects.

You may be aware that with misdemeanor criminal acts, state law allows police officers greater arrest authority in that an arrest can be made even though the misdemeanor violation didn't occur in the officer's presence. With adults, the misdemeanor violation must be witnessed by the officer or a citizen may make the arrest if he/she observed the criminal act. If additional investigative

October 27, 1989

Attorney General's Commission on Racial, Religious and Minority Violence

Page 5

understanding of required reporting procedures demands thorough training. Finally, the officers must accept the fact that extra effort will be required in investigating a hate-motivated incident. Simply stated, "short cuts" in these investigations are not acceptable.

It then becomes essential that administration support and enforce the policy.

Question: If you had a wish list, what would you want to make the program more successful?

In testimony before the Commission, I stated our hate crime program was a success. I further believe closer networking with members of our minority community would enhance our service to our citizens. Given the service demands upon our organization and its available resources, I find it difficult to devote the necessary staff time towards this networking effort. If I had a wish list, I would enjoy adding one to two persons to our community relations program.

Question: How do we get commitment from other chiefs to adopt similar procedures regarding hate crimes?

To obtain the commitment of other police chiefs to adopt similar hate crime procedures may very well require outside pressure or mandates from the state, Human Rights Commissions, police chiefs' associations, city councils or local pressure groups. In times of limited revenue and resources, it is difficult to persuade many overburdened police chiefs to prioritize the necessary training and enforcement commitment to implement a program as labor intensive as ours.

Contra Costa County has been successful in working toward a county-wide protocol to respond to hate crimes (refer to the enclosed county-wide hate crime proposal). The police chiefs must recognize the benefits of such a program. Unfortunately, unless you have experienced a major minority incident impacting negatively upon police operations, it is difficult to effect such a procedural change. Conversely, after such incidents, there may be a tendency to become defensive. Ideally the community, especially the minority community, should extend its hand in friendship and cooperation to solicit and develop anti-hate programs. Too often, posturing takes place that does not permit cooperation and must be stopped.

I hope this written response, along with my previous testimony,

October 27, 1989

Attorney General's Commission on Racial, Religious; and Minority Violence

Page 3

follow-up is required, the case will be referred to the Investigation Division for disposition.

Unlike adult arrests, officers have broad discretionary powers concerning the disposition of juvenile suspects. Options available in ascending order of severity include:

1. Verbal reprimand and release.
2. Allowing the parents/guardians to handle the discipline.
3. Entering the juvenile into one of several Concord Police diversion programs.
4. Citing the juvenile to the County Juvenile Probation Department.
5. Lodging the juvenile in Juvenile Hall.

Juvenile suspects, if taken into police custody, must be immediately advised of their constitutional rights as opposed to adult arrests which require rights advisement only if there is intention to question the suspect.

Although the city of Concord and its police department have no special anti-hate education programs in place for juveniles or adults, the Juvenile Bureau does have various diversion programs. Some of these diversion programs are:

1. A work detail program.
2. Petty theft workshop (for theft offenses).
3. Drug/alcohol workshop (substance abuse education).
4. New Connections counseling (for first-time substance abuse violations).
5. Family counseling services.

Question: What is the involvement of juvenile or youth white supremacist groups?

From all available information, the city of Concord does not have any organized white supremacist groups. This opinion is based on information obtained from our investigation of prior hate crimes within our city, intelligence information gathered from enforcement agencies, from minority organizations, and an assessment of the number and type of hate crimes which occurred in our city.

This is not to imply that there are no racist people living or working in our city. It simply means that we have no knowledge of any organized group of individuals such as the K.K.K. operating within the city of Concord. We have had some incidents in which

October 27, 27, 1989

Attorney General's Commission on Racial, Religious and Minority Violence

Page 4

juvenile "Skinheads" have initiated physical assaults against blacks within our city. Their incidents were few and were resolved by police arrests. The Skinheads involved appeared to be friends of one another and not part of any large organized Skinhead organization. In the past we have also seen white racist leaflets distributed on the grounds of one of our high schools in addition to being placed on parked cars in our shopping centers. The return address listed on some of the leaflets was to a Concord post office box; however, it appears that is a pickup location only and we have no intelligence information to indicate any racist group has set up shop in our city. This will remain, however, a very important concern to us.

What youth gang activity our city has shows no ethnic or racial preponderance. The makeup of our youth gangs are multi-ethnic and what acts of violence they commit are not targeted against any particular race or motivated by racial hatred.

Question: To what do I attribute the decline in reported incidents?

I can only speculate as to why there has been a continual decline in the number of reported hate crimes/incidents. Our initial tracking of hate crimes began in 1986 following a highly publicized hanging suicide of a black male and the unrelated stabbing of two black males by two white males in a racially-motivated incident. The resulting State Commission investigations, coupled with considerable negative publicity, resulted in a very visible concern and prompted heavy reporting in 1986. We, in fact, solicited and encouraged reporting. There have not been any racial crimes of the magnitude of the 1985 incidents, thereby lessening media focus. I am sure this has had an effect on the reduction.

I suspect that our aggressive policy towards priority enforcement of hate crimes may have been a factor in deterring hate crimes; however, I cannot validate this supposition. Finally, it may well be that there simply have been less hate crimes or incidents occurring since 1986, thus there are fewer incidents to report.

Question: What is the biggest obstacle to our procedure?

In assessing the major obstacle to our "hate crime" procedure, I believe it originally came from the organization itself. The officers must be trained relative to the serious consequences created by sub-standard investigations of hate crimes. This education starts with a foundation of cultural awareness training. Identification of a hate-motivated crime or incident and full

October 27, 1989

Attorney General's Commission on Racial, Religious and Minority  
Violence

Page 6

sufficiently explains our response to hate crimes and incidents  
within the city of Concord. Should you have further questions or  
concerns, simply contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "GJS", with a stylized flourish extending from the end.

George J. Straka  
Chief of Police

GJS:ym

November 3, 1989

George J. Straka  
Chief of Police  
Willow Pass and Parkside  
Concord, CA 94519

Chief Straka:

Thank you for your letter of October 27, 1989, providing additional information on your hate violence procedures and your response to questions posed at the public hearing in Oakland on October 6th.

We appreciate the thoroughness of your response. The information will be most helpful in formulating proposed recommendations for the Commission's report to the Attorney General.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

Marty Mercado  
Coordinator

MM:dah

cc: Trish Donahue  
Lynette Jee

bcc: Marian Johnston ✓ 9/10  
Lola Acosta (original) ✓ 9/10  
(Nelson Kempsey)  
Jerry Clemons note from MM)  
Dale Minami  
Barbara Takei }

(make copies of letter only to RERMV Commission and Carl Lindstrom, Jr.)

DL

Did this  
letter go out?  
cjs 11-8-89

REMINDER :

~~Nelson Kempsey~~  
~~Jerry Clemons~~  
Dale Minami  
Barbara Takei W/NOTE

  
George J. Strada, Chief of Police

---

**RESPONSE TO RACIAL, RELIGIOUS, ETHNIC AND SEXUAL ORIENTATION COMPLAINTS**

---

**A. GENERAL**

1. This General Order establishes a policy and department procedure for handling crimes and incidents that were motivated by hatred or prejudice arising from differences in race, religion, ethnic background, culture or sexual orientation (R/R/E/S). See Training Bulletin, Volume VII, Issue 27, for additional guidelines.
2. City Council Resolution 86-29 resolved that the City of Concord will not tolerate the evils of racism, violence and bigotry, and Council has also resolved that a high priority for investigation and resolution of crimes involving racism and prejudice shall take place.
3. The Department shall support maximum prosecution of those who are apprehended for such criminal offenses.

**B. POLICY**

1. It is the policy of the Concord Police Department to ensure that rights guaranteed by State laws and the U. S. Constitution are protected for all people regardless of their race, color, ethnic background, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsables of criminal offenses, arrest them and bring them before the Courts.
2. All criminal offenses of violence, intimidation or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and an investigation shall be considered high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.
3. All reported incidents that are non-criminal (short of a criminal offense) that were motivated all or in part by race, ethnicity, religion and/or sexual orientation shall be documented by a police report. An administrative follow-up and disposition will be made on appropriate incidents by the Community Relations Unit.

**C. DEFINITIONS**

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. A reportable crime is any act or attempted act to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
  1. Committed acts having criminal sanctions are considered "hate crimes". Types of crimes could include threatening phone calls, hate mail, physical assaults, verbal abuse, vandalism, cross burning, fire bombing, etc.



GENERAL ORDER

- .2 A common sense approach should be taken toward this definition. If it appears the crime was motivated by race, religion, ethnic background or sexual orientation, it shall be reported under criteria established by this Order. Motivation is the key element in determining if a crime is racially, religiously, ethnically or lifestyle based.
3. A reportable incident is any non-criminal act directed at any person or group based upon race, religion, ethnic background, or sexual orientation.
  - .1 The approach should be: Is this an incident that has potential to reoccur and escalate into a criminal offense? Have there been civil rights violations as enumerated in California Civil Code Section 51, 51.5, 51.7, or 52 which deal with discrimination, intimidation, personal rights and civil damages? See Training Bulletin V, Volume VII, Issue 27, for excerpts of these sections.
4. "Sexual orientation" means the direction of sexual, emotional, and/or physical attraction and preference, which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (homosexual), or towards both in some proportion (bisexuality). For the purpose of this General Order and Training Bulletin, sexual orientation shall apply to crimes or incidents based upon homosexual or bisexual orientation.

**D. PROCEDURE**

1. The proper investigation of R/R/E/S crimes or incidents is the responsibility of all Concord Police Officers and employees. Each employee must be sensitive to the feelings, needs, and fears that may be present in the community as a result of acts of this nature. The primary personnel responsible for investigating these types of crimes or incidents are:
  - .1 Uniform Division - Preliminary investigation of crimes or incidents, evidence collection, and, where appropriate, the arrest of the responsible;
  - .2 Investigation Division - Follow-up investigation of crimes, arrest of responsible, filing of criminal complaints, and intelligence analysis;
  - .3 Administrative Services Division - Community liaison, resolution of appropriate non-criminal R/R/E/S incidents, records maintenance, and appropriate Department and public training.

**E. RESPONSIBILITIES**

1. All R/R/E/S crimes are priority 1 calls and shall require dispatch of a patrol officer to the scene, unless the complainant specifically requests that an officer not respond. In that case, the call shall be dispatched to an officer, who shall make a phone call to the complainant for details of the report. All R/R/E/S incidents are priority 2 calls and shall require dispatch of an officer to the scene as soon as practical. Response alternatives to priority 2 R/R/E/S incidents can be modified by the Watch Commander as appropriate.

- .1 When the assigned officer arrives on the scene and determines that the crime or incident may be R/R/E/S motivated, s/he shall:
  - .01 Request a field supervisor;
  - .02 Protect the crime scene and evidence;
  - .03 Stabilize the victim;
  - .04 Apprehend the responsible (if applicable);
  - .05 Conduct a preliminary investigation, including neighborhood survey for witnesses when appropriate;
  - .06 Provide assistance to the victim and refer to the appropriate legal or service agency;
  - .07 Collect and process evidence if the I.D. unit is unable to respond;
  - .08 Complete an Offense Report, with case number, and code for later identification and retrieval consistent with Departmental Procedure No. 55.
    - .001 In Box 1, enter the number 1 if the crime or incident is suspected but not confirmed to be R/R/E/S motivated. Enter the number 2 if there is evidence the crime or incident is R/R/E/S motivated but does not involve a verbal confrontation or physical attack. Enter the number 3 if the R/R/E/S crime or incident involves a verbal confrontation or physical attack.
    - .002 Enter "R/R/E/S" in Box 2 if the crime or incident appears to be racially, religiously, ethnically or sexual orientation based.
  - .09 Complete your report with supervisor approval prior to completing your tour of duty. Direct copies to the Uniform and Investigation Divisions Commanders.

## 2. Patrol Field Supervisor

- .1 Upon arrival at the scene of an R/R/E/S crime or incident shall:
  - .01 Interview the officer receiving the complaint;
  - .02 Verify that the crime or incident is an R/R/E/S;
  - .03 Determine if additional personnel are necessary and ensure that evidence collection occurs if available;
  - .04 Take steps to ensure that the situation does not escalate;
  - .05 Assist in stabilization of the victim;
  - .06 Supervise the preliminary investigation;

GENERAL ORDER

- .07 Assure the victim that a total investigation will be conducted;
  - .08 Ensure that all physical remains of the crime or incident are removed after processing is completed. If the remains cannot be removed (i.e., paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
  - 2 Notify the Watch Commander or senior Supervisor on duty.
  - .3 Ensure that all reports are properly completed and submitted prior to the end of your tour of duty.
  - .4 Provide for increased patrol in the area for as long as necessary, but at least several days following the crime or incident.
  - .5 Identify training needs relative to R/R/E/S crimes or incidents.
3. Watch Commander
- .1 After being notified of an R/R/E/S crime or incident, the Watch Commander shall:
    - .01 Immediately report to the scene if the crime or incident is determined to be serious;
    - .02 Notify appropriate persons or units such as CDO, Investigations, etc., depending upon nature and seriousness of the crime or incident;
    - .03 Ensure that the Chief of Police is notified of serious crimes or incidents;
    - .04 Determine whether press releases should be made or press information officer notified.
  - .2 Review all reports completed by patrol officers and/or field supervisor prior to their submission.
    - .01 Notify Chief of Police, Division Commanders, and Investigations Lieutenant through the computerized mail mask with a brief synopsis of the crime or incident, including case number. Have a copy of the message printed;
    - .02 Direct surveillance and other appropriate activities to locate/identify suspects/responsibles and/or evidence.
4. Investigations
- .1 Investigations Division Commander shall:
    - .01 Receive copies of all R/R/E/S Incident and Crime Reports and verify that a cross-referenced separate file is established and maintained;
    - .02 Verify that an immediate follow-up investigation is assigned and conducted by the appropriate unit;
    - .03 Coordinate the investigation with interdepartment units and outside agencies when appropriate;

GENERAL ORDER

- .04 Keep the Chief of Police informed of status of current investigations; submit monthly and annual reports relative to total number of crimes and incidents, types, resolution, and any patterns identified;
  - .05 Collect and collate R/R/E/S reports for presentation to appropriate City bodies reviewing these incidents;
  - .06 Maintain contact with community leaders when appropriate and keep them advised of the status of investigation;
  - .07 Ensure that symbols or remains of the crime or incident that have not been removed at the time of patrol intercession are removed or covered. In the case of writing or symbols on privately-owned property, attempt to encourage the property owner to remove same;
  - .08 Immediately inform the Chief of Police of any patterns developing in R/R/E/S crimes or incidents.
- 2 Assigned Investigator shall:
- .01 Check an extended neighborhood area to identify and interview witnesses when appropriate;
  - .02 Coordinate investigative work with the Identifications unit;
  - .03 Conduct surveillance and other appropriate techniques to identify and apprehend perpetrators when appropriate;
  - .04 Coordinate victim assistance with appropriate legal or service agency;
  - .05 Maintain liaison with original reporting officer and keep him or her apprised of the status of the case;
  - .06 Keep the victim informed through personal contact regarding case status;
  - .07 Prepare case for prosecution in Court and provide testimony.
- 3 Intelligence shall:
- .01 Assist in both investigations and prevention of R/R/E/S incidents and crimes by providing appropriate information to Patrol and Investigations Units;
  - .02 Review all reports of R/R/E/S crimes or incidents with related analyses to detect patterns, suspects, or the participation of organized groups;
  - .03 Maintain liaison with Federal, State, local, and private intelligence agencies and, where appropriate, exchange information;
  - .04 Notify Chief of Police, Division Commanders, and Watch Commanders of patterns or anticipated movement of hate groups.
5. Crime Prevention/Community Relations shall:
- .1 Perform appropriate administrative follow-up investigations to resolve non-criminal incidents that were motivated by R/R/E/S.

GENERAL ORDER

- .2 Conduct public meetings, meet with neighborhood groups, residents in target areas, and other groups to allay fears, reduce the potential for counterviolence, and provide safety and protection information;
  - .3 Assist victims and their families when appropriate;
  - .4 Establish liaison with formal minority organizations and leaders;
  - .5 Provide preventive programs, such as anti-hate seminars for school children.
6. Training Unit shall:
- .1 Include human and cultural relations training programs in both in-service and advanced officers training programs;
  - .2 Use minority and community leaders' input for development of training programs;
  - .3 Prepare training bulletins relating to cultural and human relations subjects;
  - .4 Ensure that all officers attend assigned cultural and human relations in-service courses. Those failing to attend shall be identified to appropriate Division Commanders and remedial training provided;
  - .5 Review and revise training programs to reflect changes in the community and in society;
  - .6 Assist Field Training Officers in development of appropriate recruit training.



# TRAINING BULLETIN

CONCORD POLICE DEPARTMENT

GEORGE J. STRAKA, CHIEF OF POLICE

Volume VII Issue 27

Date 9/1/86 (53)

Revised 5/1/88 (53)

## RESPONSE TO RACIAL, RELIGIOUS, ETHNIC, OR SEXUAL ORIENTATION COMPLAINTS

### INTRODUCTION

As General Order #61 and City Council Resolution 86-29 have indicated, we must actively pursue investigations of racially or prejudicially motivated cases. In doing so, we assure the community that racism, violence, and bigotry will not be tolerated. This training bulletin is intended as an extension of General Order #61 providing guidelines to identify and investigate reportable crimes and incidents and the appropriate criminal and civil codes involved.

### DEFINITIONS

**RRES** - Refers to race, religion, ethnic background, and sexual orientation.

A reportable RRES crime is any act or attempted act intended to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, religion, ethnic background or sexual orientation.

A reportable RRES incident is any non-criminal act directed at any person or group based upon race, religion, ethnic background, or sexual orientation.

Motivation - Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

Race - Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc., that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of variable traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - Means the direction of sexual, emotional, and/or physical attraction and preference which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (homosexuality), or towards both in some proportion (bi-sexuality). For the purpose of General Order #61 and this training bulletin, sexual orientation shall apply to crimes or incidents based upon homosexual or bi-sexual orientation.

#### CRITERIA FOR REPORTING R/R/E/S CRIMES OR INCIDENTS

The following criteria are to be used in determining whether or not an act is of a racial, religious, ethnical background or sexual oriented nature. The list is not all-inclusive. Some acts may not clearly fit a specific definition. In those cases, a common-sense approach must be used: If it looks like the act was motivated by racial, religious, ethnic, or sexual orientation bias, it should be reported as such. Verification can be made later in the investigation.

Any criminal act which is directed at any person(s) because of their race, religion, ethnic background, or sexual orientation involving any of the following:

Burning cross or religious symbol,

Explosives,

Bomb threats,

Destroying, injuring property of another,

Assault,

Disorderly conduct,

Interrupting or disturbing religious meetings,

Possession of firearm in proximity of public demonstration.  
For specific penal or civil code sections, refer to page 6.

Unlawful use of the telephone.

No person shall be convicted of violating a person's civil rights under 422.6(a) P.C. based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group and that the defendant had the apparent ability to carry out the threat.

Any non-criminal act directed at an individual group due to race, religion, ethnicity, or sexual orientation which, while not criminal, is done with the apparent intention to:

1. Harass
2. Intimidate
3. Threaten
4. Retaliate
5. Create racial, religious, or ethnic conflict.

The key criterion in determining whether these offenses fit into the definition of an act of racial, religious, ethnic, or sexual oriented bias is the motivation behind the act.

Reports of such incidents are taken because there is potential for reoccurrence and/or escalation into a criminal act. Have there been civil rights violations as enumerated in California Civil Code Sections 51, 51.5, 51.7, or 52? (see pages 5 and 6)

#### VICTIM ASSISTANCE

This department has taken the approach that the unique nature of these crimes and incidents requires special handling from our agency. We feel an obligation not only to investigate the criminal offenses and incidents but to recognize and react in a positive manner to the emotional trauma experienced by the victims, families, and citizens of the community who have witnessed/suffered such incidents or crimes.

There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma and fear.

Thus, officers should:

- Approach victims in an empathic and supportive manner. Demonstrate concern and sensitivity.
- Attempt to effectively calm the victim and reduce the victim's alienation.
- Reassure the victim that every available investigative and enforcement tool will be utilized by the police to find and prosecute the person(s) responsible for the crime.
- Consider the safety of the victim(s) by recommending and providing extra patrol, and/or providing prevention and precautionary advice.



-- Provide referral information such as counseling and other appropriate public support and assistance agencies.

-- Advise the victim of criminal and civil options.

#### VICTIM REFERRALS

The following organizations/agencies provide assistance to victims of racial, religious, ethnic, or sexual orientation crimes or incidents.

Housing Alliance of Contra Costa County  
1583 Galindo Street, Concord 825-4663

Services: Counseling and Investigation of Complaints  
in Housing Discrimination.

Fee: None Hours: 8:00 - 5:00 M - F

Contra Costa County Probation Office -  
Victim Assistance Unit 646-5354

Fee: None Hours: 8:00 - 12:00 & 1:00 - 5:00 M - F

Personal Crisis Line/Community Resource Center  
1850 2nd Avenue, Walnut Creek (24 hours) 827-2111

Services: Referrals and Emotional Support by  
Telephone Only

Fee: None Hours: 7/days week 24 hours/day

Care Center

Telephone Only: (24 hours) 287-CARE

Services: Listening to Problems; Emotional Support &  
Advice

Fee: None Hours: 8:00 - 5:00 M - F

Center for New Americans

1135 Lacey Lane, Concord 798-3492

Services: To assist refugees and immigrants of all  
nationalities to adjust to the American culture.

Fee: None Hours: 8:00 - 5:00 M - F

Black Families Association

P. O. Box 21481, Concord 825-9254

Services: To provide information and assistance to Black  
residents of Concord.

Fee: None Hours: Every day 8:00 a.m. - 10:00 p.m.

United Council of Spanish Speaking Organizations

518 Main Street, Martinez 229-1600

Services: Assistance to Hispanics

Fee: None Hours: 8:00 - 5:00 M - F

Concord Human Relations Commission

1950 Parkside Drive, Concord

671-3150/671-3364

Services: Discrimination in housing, employment, school, etc., due to race, religion, ethnic background, age, or sexual preference. Referrals information.

Fee: None

Hours: 8:00 - 5:00

M - F

Anti-Defamation League of B'nai B'rith

121 Steuart St., Suite 401, San Francisco

Services: Resolution of discrimination complaints; race relations, education, policy-community relations; monitors extremist groups.

Fee: None

Hours: 8:00 - 5:00

M - F

Diablo Valley Metropolitan Community Church

2253 Concord Blvd., Concord

827-2960

Services: Counseling & Support for Gays and Lesbians.

AIDS Counseling - 686-3822

Fees: None Hours: 9:00 a.m. - 5:00 p.m. Mon.

1:00 p.m. - 5:00 p.m. T, W, TH, F

CALIFORNIA PENAL CODE SECTIONS

Besides the standard Penal Code sections that apply to crimes committed regardless of race, religion, ethnic background, or sexual orientation (i.e., 415, 242, etc.), the following Penal and Civil Code sections may apply:

422.6 P.C. Misdemeanor - Interference with exercise of civil rights because of the other person's race, color, religion, ancestry, national origin, or sexual orientation; damaging property

422.7 P.C. Felony - violation of civil rights under any of the following circumstances:

a) The crime against the person of another either includes the present ability to commit a violent injury or causes actual physical injury.

b) The crime against property causes damage in excess of one thousand dollars (\$1,000.00).

c) The person charged with a crime under this section has been previously convicted of a violation of subdivision (a) or (b) of Section 422.6 P.C.

1170.75. PC

Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of crime

- 1170.8 PC Arson, robbery, or assault in places of worship;  
aggravation of crime
11411. PC Terrorism: Burning or desecration of religious  
symbols; placement or display of  
physical impressions:
11412. PC Threats obstructing exercise of religion
11413. PC Terrorism: Use of destructive device, explosive  
or commission of arson; places of  
worship, places or meetings  
involving abortion;

NOTE:

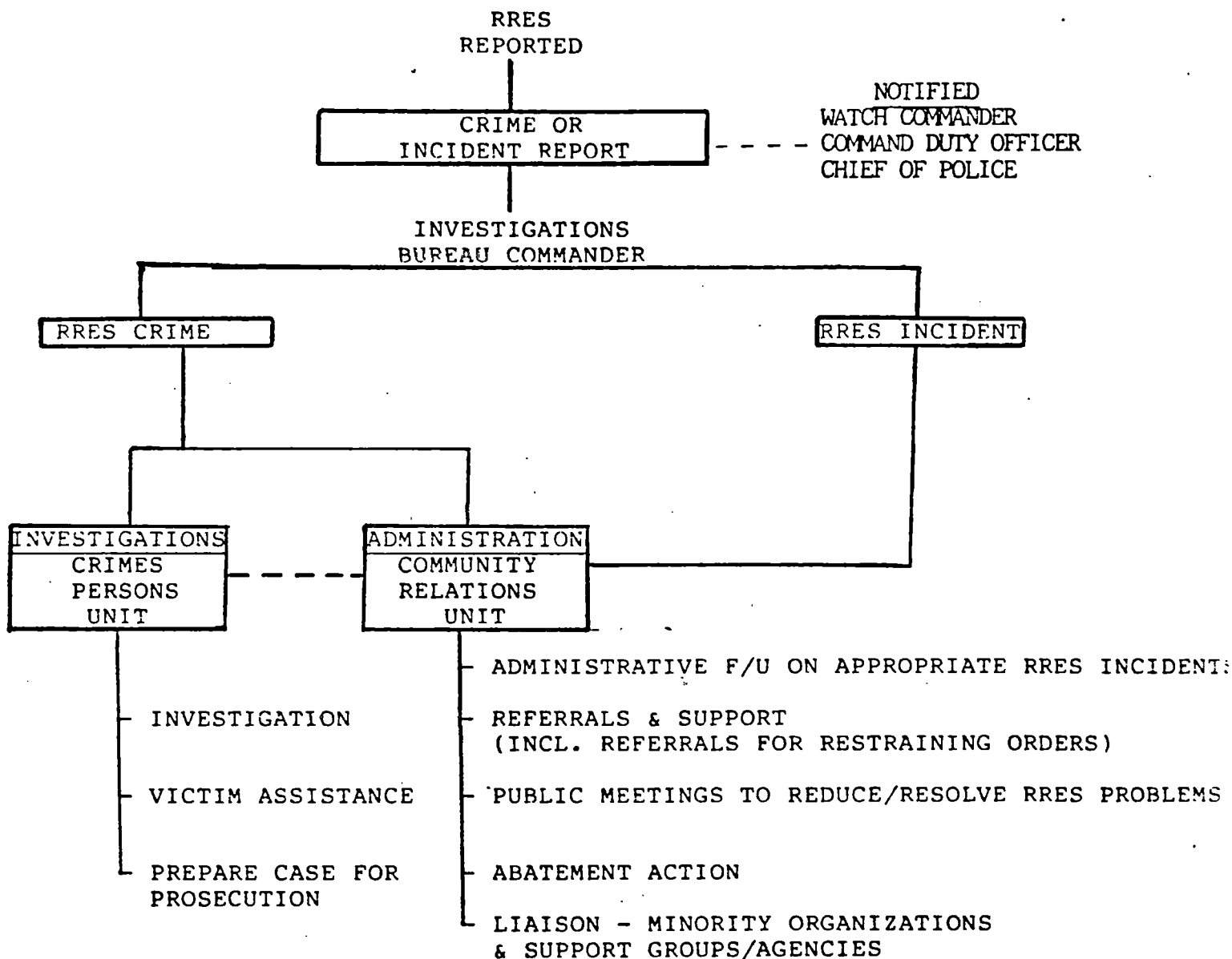
OFFICERS SHOULD ALSO ADVISE VICTIMS, WHEN APPROPRIATE, OF THE  
PROCEDURES OF SECURING HARASSMENT TEMPORARY RESTRAINING ORDER AND  
INJUNCTIONS PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE, SEC.  
527.6.

CALIFORNIA CIVIL CODE SECTIONS

51. CC Civil rights of persons in business establishments
- 51.5 CC Discrimination by business establishment prohibited
- 51.7 CC Freedom from violence or intimidation
52. CC Denial of civil rights or discrimination; damages;  
civil action by people or person aggrieved;  
intervention; temporary restraining orders
- (e) Actions under this section shall be independent  
of any other remedies or procedures that may be  
available to an aggrieved party.

CRIMES MOTIVATED BY RACE,  
RELIGION, ETHNIC BACKGROUND  
OR SEXUAL ORIENTATION

REPORTING AND FOLLOW-UP  
REQUIREMENTS



RRES CRIME = CRIMINAL ELEMENTS PRESENT  
CRIME - MOTIVATED, ALL OR IN PART, BY RACE,  
RELIGION, ETHNIC BACKGROUND, OR SEXUAL ORIENTATION

RRES INCIDENT = CRIMINAL ELEMENTS NOT PRESENT; HOWEVER, INCIDENT  
HAS RACIAL, RELIGIOUS, ETHNIC BACKGROUND, OR  
SEXUAL ORIENTATION OVERTONES

NO CRIME OR INCIDENT = NO CRIMINAL ELEMENTS OR MOTIVATION  
INCIDENT NOT MOTIVATED BY RRES

ARRESTS - R.R.E.S. INCIDENTS

1986

1 WMA Malicious Mischief  
1 Iranian Male Adult Prowling  
1 BMA Auto Theft  
1 BMA Drunk in Public  
1 BMA Threatening a Public Officer/Resisting Arrest/  
Driving Under The Influence  
1 WMJ Juvenile Hall-Sexual Assault/Rape  
1 WFJ Juvenile Probation-Disturbing the Peace  
1 BMJ Juvenile Probation-Assault  
1 WMJ Juvenile Hall-Assault

---

9

1987

1 WMA Disturbing the Peace  
1 WFA Assault & Battery  
2 WMJ Juvenile Hall-Assault With A Deadly Weapon  
1 WMA Assault & Battery/Disturbing the Peace  
1 BMA Referred to D.A.-Battery  
1 WMA Assault With A Deadly Weapon  
1 BMA Brandishing a Weapon  
1 BMJ Juvenile Hall  
1 WFA Assault With A Deadly Weapon

---

10

1988

1 WMA Firearm On School Grounds  
1 WMJ Juvenile Hall-Battery & Name Calling  
1 WMA Citation Hearing-Disturbance of Peace/Brandishing Weapon  
2 WMA Malicious Mischief/Drunk in Public  
1 WFA Assault & Disturbing the Peace  
1 WMA Disturbing the Peace/Battery/Drunk in Public  
1 WFA Battery  
1 WMJ Juvenile Hall-Disturbing the Peace/Racial Slurs  
1 WMA Brandishing a Weapon/Disturbing the Peace  
1 Eurasian Female Juvenile Referred to Probation-  
Assault/Disturbing the Peace  
1 WMA Brandishing a Weapon  
2 WMA Interference with Civil Rights (Force or Threat)

---

14

1989 - (January thru September)

1 OMJ Referred to Juvenile Probation-Assault  
1 Hawaiian Male Adult Assault  
1 WMA Drunk in Public  
1 BMA Brandishing A Deadly Weapon/Battery  
1 WMA Assault/Disturbing the Peace  
3 BMA Disturbing the Peace/Failure to Leave Business Premises  
After Being Notified by Owner  
1 WMA Assault With A Deadly Weapon  
1 MMA Assault  
1 WMA Assault  
1 WMA Disturbing the Peace  
1 WMA Disturbing the Peace/Battery

# RACIAL INCIDENT STATISTICS - 1989

onth	Total # Cases Reported	242	245	288	415	417	594	647f	653m	Misc.	Susp. Circ.	Other	Hate Lit.	Unfd.	Sexual
Jan	7	3	1		2				1						
Feb	2	1							1						(2)
Mar	2	1							1						
Apr	5	2			1		1		1						(1) 653
May	5	2			1		1			1			(1)		(1) 242
Jun	5	2			2				1						
Jul	2				1		1								
Aug	3	1				2									
Sep	2	1					1								
TOTAL	33	13	1		7	2	4		5	1					

RRES - INCIDENT STATISTICS - 1988

Month	Total # Cases Reported	242	245	288	415	417	594	647f	653m	Misc.	Susp. Circ.	Other	Hate Lit..	Unfd.	Sexual
Jan	3				1		1			1				1 (415)	
Feb	2	2												1 (242)	
Mar	7	2			2		2					1			
Apr.	5				3		1		1					1 (415)	
May	5				4				1						(1)653m
June	5	1			2		2							2 (594)	
July	5				1		4								(2) 653m
Aug.	6	1	1		1				2				1	1 (594)	(1)245
Sept.	6	1	1		1		3								
Oct.	5				2	1	1		1						(1) 242
Nov.	5	1			1	1	1		1						(1) 653m
Dec.	5	2			1					1			1	1 (Mis)	(1) 242
TOTAL	60	10	2		19	2	15		6	2		2	2	(7)	(7)

60 Reported Cases  
-7 Unfounded  
53 Net RRES Cases in 1988



# RACIAL INCIDENT STATISTICS - 1987

Month	Total Cases	242	245	288	415	417	594	647f	653m	Misc. Info.	Susp. Circ.	Extra Patrol	10851	Unfd.	Hate Lit. *
Jan	11	1			4		1			2	3				3
Feb	11	1	2		6					2					
Mar	6				3			1		1	1				2
Apr	12	2	1		7		2								
May	4	2			1					1					1
Jun	8	1	1		3		1		1	1					1
Jul	2				2										
Aug	3				2					1					
Sep	2	1			1										
Oct	4	2			2										
Nov	5	1	1		1		2								
Dec	7		3		1	1	1			1					1
TOTAL	75	11	8		33	1	7	1	1	9	4				(8)

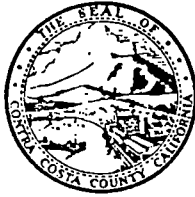
\*Distribution of hate literature is included in the Misc. Info./Susp. Circ. Classifications.

RACIAL INCIDENT STATISTICS - 1986

Month	Total Cases	242	245	288	415	417	594	647f	653m	Misc. Info.	Susp. Circ.	Extra Patrol	10851	Unfd.	Hate* Lit.
Jan	9	1	3				3		1			1			
Feb	12				3	1	4			1	1	1		1	
Mar	3		1				1	1							
Apr	13	1	1		4					7					1
May	6	1			2		1			2					
Jun	10	2	1		4	1			1	1					
Jul	18		1		7		3			3	4				2
Aug	24	1		1	10		5	1	1	4	1				2
Sep	11				5		3			2	1				
Oct	3	3													
Nov	5		1		1		1		1		1				
Dec	6				4	1	1								
TOTAL	120	9	8	1	40	3	22	2	4	20	8	2	0	1	(5)

\*Distribution of hate literature is included in the Misc. Info./Susp. Circ. classifications.

Contra  
Costa  
County



*Ed Evans*  
HUMAN RELATIONS COMMISSION

Room 103, Adm. Bldg.  
651 Pine Street  
Martinez, California 94553  
(415) 646-2013

DATE: June 5, 1989

*Info only  
R. K. H. T. T. T.*

TO: Police Chiefs' Association Members

FROM: Fred Persily

SUBJECT: Hate Violence Reduction Task Force Proposal

---

Enclosed please find the Hate Violence Reduction Task Force Proposal for uniform policies and procedures for responding to hate crimes as well as the District Attorney's procedures. These were worked out in consultation with representatives from a number of departments and were designed to be flexible enough to adapt to each department's needs. If you approve these procedures we will begin working on developing support for individual departmental training.

CRIMINAL JUSTICE RESPONSE TO HATE CRIMES

Criminal Justice Committee Members:

Sgt. Jim Alcorn, Concord Police Department

Annie Anderson, Juvenile Probation

Don Bull, private attorney

Chief Jim Franks, Brentwood Police Department

Lt. George Freitas, Richmond Police Department

Lynette Jee, Fair Employment & Housing Commission

Jinx McCombs, Probation Institutions

Sgt. Scott Parsons, Contra Costa County Sheriff

Lt. Joe Porter, Pittsburg Police Department

Lt. Bob Shusta, Concord Police Department

Jack Waddell, District Attorney Office

Gary Yancey, District Attorney

Staff: Fred Persily, Contra Costa County Human Relations  
Commission

## HATE CRIME DEFINITION <sup>1</sup>

A reportable crime is any act or attempted act to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, ethnicity, religion and sexual orientation.

Motivation - Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

Race- Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc. that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of various traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - The direction of sexual, emotional, and/or physical attraction which may be primarily towards persons of the same sex (homosexuality), persons of the opposite sex (heterosexuality) or toward both in some proportion (bisexuality).

---

<sup>1</sup> This definition was drafted by the California Department of Justice, Bureau of Criminal Justice Statistics.

## GUIDELINES TO IDENTIFY REPORTABLE CRIMES

The following criteria should be used in determining whether a crime was motivated, all or in part, by race, ethnicity, religion and sexual orientation. The criteria which should be applied are not all inclusive but provide a general guideline for consistent identification of such crimes.

1. The presence of symbols, words, or acts which are, or may be, offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger", "queer", etc.)
2. Statements or actions of the victim(s), suspect(s), and other involved parties.
3. Prior history of similar crimes in same area or against the same victim group.
4. Whether community organizations, leaders or a number of residents perceive or claim the crime to be motivated by bias against an individual or group's race, ethnicity, religion or sexual orientation.

Questions to consider when identifying crimes motivated, all or in part, by race, ethnicity, religion and sexual orientation:

1. Did the crime occur all or in part because of racial, ethnic, religious, or sexual differences between the persons or for other reasons?
2. Has the victim or victim's group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area; is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion or sexual orientation?

6. Has the victim been associated with recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation? (e.g. gay rallies, demonstrations, holiday celebrations, conferences, religious meetings, etc.)
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g. color of paint, manner of spelling words, symbols or signs used, etc.)?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g. could the act be retribution for some conflict with neighbors, juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
  - a. Is the literature printed?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have an understanding of the impact of the crime on the victim and other group members?

## POLICY <sup>2</sup>

It is the policy of this Department to ensure that all rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all appropriate steps to identify responsables of criminal offenses, arrest them and assist in their vigorous prosecution.

All criminal offenses of violence, intimidation or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and an investigation shall be considered high priority as such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.<sup>3</sup>

---

<sup>2</sup> This policy is derived from the report prepared by the National Organization of Black Law Enforcement Executives under the auspices of the United States Department of Justice.

<sup>3</sup> Departments, at their option, may wish to develop a policy for dealing with reports of incidents that may not be chargeable as a crime, but are likely to have similar impact on the victim(s) and members of the victim(s) group.

Concord Police Department's policy on racial, religious, ethnic and sexual orientation complaints contains the following provision:

All reported incidents that are non-criminal that were motivated all or in part by race, ethnicity, religion and/or sexual orientation shall be documented by a police report. An administrative follow-up and disposition will be made on appropriate incidents by the Community Relations Unit.



## REPORTING <sup>4</sup>

The goal of reporting "hate crime" is to depict the nature and volume of criminal activity within a given geographical area. In order to achieve the goal the data collected must be accurate, consistent and complete.

Determining the motivation of a crime is difficult. Officers may be called upon to make a subjective determination using whatever information the victim or crime scene can provide. Even an experienced crime analyst may not be able to clarify the motivation in all cases. Every officer may not become an expert in hate crime identification, but their degree of expertise can be increased through training.

Officers may feel that the data will not help the police department but will be used against it, or that their time is better used doing other activities. To counter this attitude, training should not only focus on the technical aspects of reporting, but should also include the purpose and benefits of reporting.

Existing police reports can be used for reporting hate crimes, but a box or part of the report should be designated for officers

---

<sup>4</sup> The discussion of issues pertaining to reporting is derived from a document prepared by the California Department of Justice Bureau of Criminal Justice Statistics as part of a legislatively mandated study.

to put in a code letter or symbol indicating whether or not the crime should be considered a "hate crime". Since reports may vary slightly from agency to agency, each department should choose their own space and symbol for the entry. Many departments have chosen to use the letter "R" to signify a hate crime. The Criminal Justice Committee recommends that departments consider utilizing a forced entry requiring officers to enter some symbol in the designated space to indicate whether or not a hate crime was committed, e.g. R = hate crime, NR = not a hate crime.

Officers should be trained to include information within the narrative of the report to indicate why a crime is classified as a "hate crime" when they classify it as such.

## RESPONSE PROTOCOL <sup>5</sup>

The Criminal Justice Committee recognizes that there is wide variance in departmental resources among the law enforcement agencies within Contra Costa County and has opted to identify the minimal response elements that should be adopted by each law enforcement agency within Contra Costa County. Each department should review their existing policy (when appropriate) to ensure that the minimal elements are included within it. Departments who have no policy or who want to review their personnel assignments relative to responding to "hate crimes" should review the models for large and small departments included in Appendix A of this document.

### RESPONSE PRIORITY

All hate crimes are priority calls and shall require dispatch of an officer to the scene. In the event the complainant specifically requests that an officer not respond, the Department shall follow up with the complainant for details of the report, or to make referrals.<sup>6</sup>

---

<sup>5</sup> This protocol is adapted from the Concord Police Department General Order No. 61.

<sup>6</sup> Concord Police Department dispatches an officer to the scene of incidents that are not considered crimes but may have similar impact on the victim and community. "These are treated as "hate incidents" and an officer is sent as soon as practical unless the Watch Commander modifies the priority or type of response.

## RESPONSIBILITIES <sup>7</sup>

Each department should have a policy which includes, at a minimum, the following

### At the crime scene

Ensure that there are appropriate personnel;

Apprehend the responsible (if applicable);

Protect the crime scene and evidence;

Stabilize the victim

Conduct a preliminary investigation, including a neighborhood survey for witnesses when appropriate;

Reassure the victim that the crime will be treated seriously and refer the victim to appropriate resource agencies;

Collect and process evidence.<sup>8</sup>

### Following the initial response

Complete an Offense Report, enter the letter R or other designated symbol in the appropriate space (box) and ensure that the description of the incident includes information indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity or sexual orientation;

The report of the responding officer is analyzed by a supervisor to make a final determination of the classification of the incident as a "hate crime".

Notify the senior on duty Supervisor (in smaller departments this may be the Chief).

---

<sup>7</sup> These are responsibilities which shall be included in each department's policy. Suggested personnel assignments to carry out the responsibilities for large and small law enforcement agencies are available in the United States Department of Justice study contracted to the National Organization of Black Law Enforcement Executives.

<sup>8</sup> This procedure may be modified when a Department has an evidence collection unit.

Provide for increased patrol in the area as appropriate.

Refer cases to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office for prosecution.

Keep the victim informed of the status of the case.

Keep the arresting officer informed of the status of the case;

Provide <sup>summary</sup> reports to the California Department of Justice (with copies to the designated county hate violence data collection center). 2

Take appropriate steps to prevent the situation from escalating including meeting with concerned community organizations and notifying appropriate agencies.

Ensure that all physical remains of the crime are removed after processing is completed. If the remains are not easily removable (i.e. paint on walls and vehicles), the supervisor shall attempt to notify the appropriate parties of the need for removing the remains and shall report the presence of the remains to the local or county human relations commission director for follow-up.

Identify training needs relative to responding to hate crimes and hate incidents

## TRAINING

**LEARNING GOAL:** The student will be able to identify and respond appropriately to crimes motivated by hatred against the victim's race, ethnicity, religion, or sexual orientation.

### LEARNING OBJECTIVES:

1. The student will be able to define a reportable hate crime.
2. When responding to a report of criminal activity the student will be able to identify clues indicating that the incident should be classified as a hate crime.
3. The student will demonstrate the ability to designate a hate crime on the crime report.
4. The student will be able to identify the responding officer's procedural responsibilities at the scene of a suspected hate crime.

Advanced Officers' learning objectives are all of the above and:

5. The student will be able to identify the supervising officer's procedural responsibilities following the initial response.

### TRAINING METHODOLOGY

The Committee believes that the effectiveness of a law enforcement agency's response to hate crimes is largely dependent on the commitment of the Chief Executive of the department and his or her communication of the commitment to the department's staff. Therefore, the Chief Executive should introduce the topic of hate crimes with the objective of convincing the officers that they should be treated seriously.

Each department should distribute copies of the procedures to all sworn personnel and ensure that all personnel are familiar with them and understand their responsibilities. The department should devote a block of training time to the issue and determine how the training can best occur within the framework of their operations. Shift briefings, training days or some other medium should be used that is appropriate to convey the information. Procedures for responding to hate crimes should also be included in the list of training objectives covered by field training or other inservice training officers.

## VIDEOTAPE

The Committee recommends the production of a 15 minute generic video for all departments in the County. A two minute introduction by the Chief Executive to convey the department's commitment to dealing with hate crimes should be spliced into each department's tape. The introduction should be followed by three to five minutes of edited film clips showing hate crimes that occurred within the county and the controversy they engendered to convey the need for a special response to hate crimes. The final eight to ten minutes should be used to present training information on the identification and response to a hate crime using hypothetical incidents or simulated recreations of real events.

## "CHEAT SHEETS"

Each department should distribute a shirt-pocket sized booklet to assist officers in identifying hate crimes, following the appropriate procedures, and to assist in identifying appropriate victim assistance resources.

## DISTRICT ATTORNEY HATE CRIME PROCEDURES

Contra Costa County District Attorney, Gary Yancey, adopted procedures for dealing with hate crimes as part of the activity of the Hate Violence Reduction Task Force. The procedures are found in Appendix A.

# Office of District Attorney

Court House, Fourth Floor  
P.O. Box 670  
Martinez, California 94553-0150  
(415) 646-4500

# Contra Costa County



Gary T. Yancey  
District Attorney

## APPENDIX A

### RESPONSE TO RACIAL, RELIGIOUS, ETHNIC, AND SEXUAL ORIENTATION COMPLAINTS

#### A. POLICY

1. It is the policy of the Contra Costa County District Attorney to ensure that rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion, or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsables and bring them to justice.
2. All criminal offenses of violence, intimidation, or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and prosecution shall be considered a high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalation to the point of counterviolence.

#### B. DEFINITIONS

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. R/R/E/S crimes are acts or attempts to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
3. R/R/E/S crimes are defined in Penal Code Sections 422.6 through 422.9 which are summarized as follows:

422.6a Subdivision (a) of Section 422.6 generally makes it unlawful to interfere, by force or threat of force, with another person's free exercise of state or federal constitutional or statutory rights because of that person's race, color, religion, ancestry, national origin, or sexual orientation. A violation of this subdivision cannot be based on speech alone, unless the speech itself threatened violence against a specific person or group of persons and the defendant had the apparent ability to carry out the threat. [Penal Code Section 422.6, subd. (c).]



422.6b Subdivision (b) of Section 422.6 generally makes it unlawful to deface or damage another person's property because of that person's race, color, religion, ancestry, national origin, or sexual orientation.

Violation of subdivision (a) or (b) is a misdemeanor punishable by a fine of up to \$5,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.6, subd. (c).]

422.7 Penal Code Section 422.7 is a provision which, under certain circumstances, permits crimes which are presently misdemeanors to be charged as felonies if the crime was motivated by bigotry. This "wobbler" provision applies in any one of the following cases: (1) the crime was committed against the person of another and either included the present ability to commit violent injury, or caused actual physical injury; (2) the crime was committed against the property of another and caused damage in excess of \$1,000; or (3) the defendant has previously been convicted of violating Penal Code Section 422.6, discussed above, or of a conspiracy to violate that section.

If any of these conditions are met, then a crime which would otherwise be a misdemeanor becomes a "wobbler," if the crime was committed against the person or property of another, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation, and for the purpose of interfering with the other person's state or federal constitutional or statutory rights. Felony arrest powers would apply in a case where an officer has reasonable cause to believe that a felony has been committed under this section [Penal Code Section 836, subd. (3).]

#### C. PROCEDURE

1. All cases involving possible R/R/E/S crimes shall be submitted to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office. The normal appointment procedure shall be followed.
2. The Bane Civil Rights Act has both a civil and a criminal component. The civil provisions, found at Civil Code Section 52.1, permit the Attorney General, district or city attorneys, or a victim, to seek an injunction against threatened violent interference with state or federal constitutional or statutory rights.

The District Attorney will not accept cases for civil action.

Victims of all R/R/E/S incidents which cannot be criminally prosecuted but which may be actionable under Section 52.1 of the

Civil Code should be referred to the private bar or the Attorney General, or the Fair Employment and Housing Commission, as appropriate.

3. Orders issued under Civil Code Section 52.1 are enforced by local law enforcement agencies, much like restraining orders in domestic relations cases. [Civil Code Section 52.1, subd. (e); Penal Code Section 422.9, sub. (c).]

Willful violation of an order issued under Civil Code Section 52.1 is a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.9, subd. (a).] However, a person who has previously been convicted of violating such an order is subject to imprisonment in county jail for up to one (1) year. [Penal Code Section 422.9, subd. (b).]

#### D. RESPONSIBILITIES

##### 1. Senior Deputy District Attorney

- a. Advise the District Attorney immediately of all R/R/E/S cases brought to his attention;
- b. Participate with the felony filing attorney in filing conference and advise District Attorney of proposed decision (whether or not to issue a complaint);
- c. Assign case to staff attorney for vertical prosecution;
- d. Submit suggested press release to the District Attorney for approval;
- e. Advise the District Attorney of any community leaders or victim support groups who have expressed an interest in the development of the case.

##### 2. Felony Filing Attorney

- a. Notify the Senior Deputy District Attorney in charge of the branch of any R/R/E/S case brought to the office for potential prosecution;
- b. Make filing decision and complete investigation request to local police agency when necessary. See Appendix A to aid in decision-making process;
- c. Use felony filing forms in Appendix B 1-3;
- d. Consider the applicability of additional codes, e.g.:

PC 11411 Terrorism: Burning or desecration of religious symbols; placement or display of physical impressions;

PC 11412 Threats obstructing exercise of religion;

PC 11413 Terrorism: Use of destructive device, explosive or commission of arson; places of worship, places or meetings involving abortion;

- e. Assign investigative follow-up duties to District Attorney Investigator;
- f. Prepare written "Decision Not to Issue" form explaining any decision why case cannot be prosecuted and forward copy to local chief of police and District Attorney;
- g. Make bail recommendations and file PC 1269 form, if appropriate.

3. Assigned Attorney

- a. Review all investigation reports and prepare supplemental investigation requests;
- b. Appear at bail study when necessary;
- c. Contact victim within five (5) days of filing to establish rapport and assess victim needs;
- d. Appear at all significant stages of the proceedings, including bail study, preliminary hearing, readiness conferences, trial, motions, and sentencing;
- e. Do not enter into a negotiated disposition of any R/R/E/S case without the express approval of the Senior Deputy District Attorney in charge or the District Attorney;
- f. File statement of aggravation in all sentencing hearings; include the following when applicable:

PC 1170.75 Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of time

PC 1170.8 Arson, robbery, or assault in places of worship: aggravation of time

## CIVIL RIGHTS CRIMES: FILING STANDARDS

### APPENDIX A

In order for Sections 422.6a, 422.6b, or the 422.7 enhancement to be applicable, the prosecution must prove beyond a reasonable doubt that the conduct of the defendant was motivated by his "hatred" of the victim's race, religion, color, ancestry, national origin, or sexual preference.

This is in the nature of a specific intent which, absent an admission by the defendant, must be inferred by the totality of the circumstances.

In determining whether this intent is present, it may be helpful for the filing attorney to analyze the facts by asking him/herself the following questions:

1. Did the crime occur at all or in part because of racial, ethnic, religious, or sexual differences between the person(s)/group(s) or for other reasons (childish pranks, unrelated vandalism, school rivalry, etc.)?
2. Has the victim or victim-group been subjected to repeat attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area? Is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all the victims of the same race, ethnicity, religion, or sexual orientation?
6. Has the victim been associated with recent or past activity relating to his or her race, ethnicity, religion, or sexual orientation (e.g., gay rallies, demonstrations, holiday celebrations, conferences/conventions, religious meetings, etc.)?
7. Has there been prior news coverage of events of a similar nature?
8. What were the manner and means of attack (e.g., color of paint, correctness of the spelling of words, symbols or signs used, etc.)? Are there similarities to other documented incidents?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the incident (e.g., could the act be retribution for some conflict with neighbors, area juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
  - a. Is the literature printed or handwritten?
  - b. Does the name signify a "copy cat" (similar type incident) syndrome?

- c. Is there any documented or suspected organized group activity in the area?
  - d. Was this group involved in a true sense, or as a fear or scare tactic?
11. Does the party(ies) responsible have a true understanding of the impact of the crime on the victim or other group members?
  12. Is the victim of one R/R/E/S group and the suspect of another?
  13. Defendant's history, gang membership, prior acts of violence, etc.

PC 422.6(A) SEV: M FORM: 0  
INTERFERENCE WITH CIVIL RIGHTS (FORCE OR THREAT)

1 The undersigned states, on information and belief, that  
#NAME  
, defendant, did commit a misdemeanor, to wit; violation of  
PENAL CODE SECTION 422.6(a) (INTERFERENCE WITH CIVIL RIGHTS  
(FORCE OR THREAT)),  
committed as follows, to wit:

2 On or about  
#DATE  
, at  
3 #PLACE OF OFFENSE  
, in Contra Costa County, the Defendant,  
1 #NAME  
, did wilfully and unlawfully by use of force and threat of  
force, intimidate, interfere with or oppress  
4 #NAME OF VICTIM  
, in the free exercise of his/her constitutional rights,  
because of his/her  
5 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
ORIENTATION \*

\* Choose one or more if applicable

PC 422.6(b) SEV: M FORM: 0  
INTERFERENCE WITH CIVIL RIGHTS (PROPERTY DAMAGE)

1 The undersigned states, on information and belief, that  
#NAME  
, defendant, did commit a misdemeanor, to wit; violation  
of PENAL CODE SECTION 422.6(b) (INTERFERENCE WITH CIVIL  
RIGHTS (PROPERTY DAMAGE)),  
committed as follows, to wit:

2 On or about  
#DATE  
, at  
3 #PLACE OF OFFENSE  
, in Contra Costa County, the Defendant,  
1 #NAME  
, did wilfully, unlawfully, and knowingly deface, damage  
and destroy the  
4 #REAL OR PERSONAL  
property of  
5 #NAME OF VICTIM  
for the purpose of intimidating or interfering with the  
free exercise of his/her constitutional rights because  
of his/her  
6 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
ORIENTATION. \*

\* Choose one or more if applicable

PC 422.7  
CIVIL RIGHTS VIOLATION

SEV:

FORM: 0 ENHANCEMENT

ENHANCEMENT  
CIVIL RIGHTS VIOLATION /

It is further alleged, pursuant to PENAL CODE SECTION 422.7, that the defendant

1 #NAME

, committed the above offense against the person or property of

2 #NAME OF VICTIM

, for the purpose of intimidating or interfering with the free exercise of his/her constitutional rights because of  
3 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION. \*

It is further alleged that the offense was committed under the following circumstances:

4 #IT WAS A CRIME AGAINST THE PERSON OF ANOTHER, AND THE DEFENDANT DID CAUSE OF HAVE PRESENT ABILITY TO INFLICT PHYSICAL INJURY ON VICTIM./ THERE WAS PROPERTY DAMAGE, IN EXCESS OF \$1,000 TO VICTIM./ BEFORE THE COMMISSION OF THIS OFFENSE, THE DEFENDANT ON (DATE) , IN (COURT) , DID COMMIT THE OFFENSE AND WAS CONVICTED OF A VIOLATION OF SUBSECTION A OR B PENAL CODE SECTION 422.6.

\* Choose one or more if applicable



ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

1515 K Street  
Suite 371  
Sacramento, CA  
95814

COMMISSIONERS

Msgr. William J. Barry, Chair  
Los Angeles

Joaquin Avila  
San Francisco

Irma Castro  
San Diego

Richard Chavez  
City of Commerce

Thomas F. Coleman  
Glendale

Vincent Harvier  
Sacramento

Rev. Will L. Herzfeld  
Oakland

David Kassoy  
Los Angeles

Janet Levy  
Sacramento

Judge Alice Lytle  
Sacramento

John Mack  
Los Angeles

Leticia Quezada  
Los Angeles

Judge Armando O. Rodriguez  
Fresno

Dr. Hazel Hawkins Russell  
Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

November 8, 1989

George J. Straka  
Chief of Police  
Concord Police Department  
Willow Pass and Parkside  
Concord, CA 94519

Chief Straka:

Thank you for your letter of October 27, 1989, providing additional information on your hate violence procedures and your response to questions posed at the public hearing in Oakland on October 6th.

We appreciate the thoroughness of your response. The information will be most helpful in formulating proposed recommendations for the Commission's report to the Attorney General.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

  
Marty Mercado  
Coordinator

MM:dah

cc: Trish Donahue  
Lynette Jee

Marty Mercado  
Coordinator  
(916) 324-7859